

Applicants : Simon Piers Robinson
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REMARKS

This application is a continuation of U.S. Serial No. 09/443,067, filed November 18, 1999. An issue fee was paid June 6, 2003 in connection with U.S. Serial No. 09/443,067, but a patent has not issued as of the filing date of this continuation application. Accordingly, the parent application, U.S. Serial No. 09/443,067 is pending today and the subject continuation application is co-pending therewith in fulfillment of the provisions of 35 U.S.C. §120.

By this Preliminary Amendment, applicants have hereinabove amended the specification on page 1 to insert the continuation data, canceled claims 1-33 and added new claims 34-55. Applicants maintain that the amendments made hereinabove do not raise any issue of new matter. Accordingly, applicants respectfully request entry of this Preliminary Amendment.

SEQUENCE LISTING

The Sequence Listing in the subject continuation application is identical with that filed in U.S. Serial No. 09/443,067. In accordance with 37 CFR 1.821(e), please use the computer readable form of the Sequence Listing filed February 15, 2000 in U.S. Serial No. 09/443,067 as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the filed specification of the instant application.

INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention

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to the following documents which are listed on Form PTO-1449
(Exhibit A) and are also listed below.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Thus, this Information Disclosure Statement should be entered and considered.

The subject application is a continuation of U.S. Serial No. 09/443,067, filed November 18, 1999 which is a continuation-in-part of U.S. Serial No. 08/976,222, filed November 21, 1997. Copies of the documents listed below as items 46-50 have previously been submitted to, or cited by, the U.S. Patent Office in connection with U.S. Serial No. 09/443,067, and copies of references 1-45 were previously submitted, or cited, in co-assigned prior application U.S. Serial No. 08/976,222, both of which the subject application relies upon for an earlier filing date under 35 U.S.C. §120. Therefore, in accordance with 37 C.F.R. §1.98(d), copies of the previously submitted documents are not provided.

1. U.S. Patent No. 4,940,835 (Shah, et al.), July 10, 1990;
2. PCT International Publication No. WO 93/15599 (Steffens), August 19, 1993;
3. PCT International Publication No. WO 88/02372 (Kwon), April 7, 1998;
4. PCT International Publication No. WO 94/03607 (Zabeau, et al.), February 17, 1994;
5. PCT International Publication No. WO 92/15599 (Ogawa, et

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al.), September 17, 1992;

6. PCT International Publication No. WO 93/02195 (Robinson, et al.), February 4, 1993);
7. PCT International Publication No. WO 89/11227 (Taoukis, et al.), November 30, 1989);
8. Williams, et al., Derwent BIOT Online Abstract Accession No. 90-12612 (1990);
9. Steffens, Derwent BIOT Online Abstract Accession No. 95-05853 (1994);
10. Martinez, et al., Derwent BIOT Online Abstract Accession No. 95-05846 (1994);
11. Shahar, et al., The Plant Cell (1992) 4, pp135-147;
12. Dry, et al., Plant Molecular Biology (1994) 26, pp495-502;
13. Cary, et al., Plant Physiology (1990) 93, no. S.1, pp41, Abstract No. 230;
14. Steffens, et al., Plant Physiology (1990) 93, no. S.1, pp15, Abstract No. 82;
15. Hunt, et al., Plant Physiology (1992) 99, no. S.1, pp88, Abstract No. 526;
16. Batistuti, et al., Food Chemistry (1985) 18, pp251-263;
17. Van Der Krol, et al., Gene (1988) 72, pp45-50;

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18. Finnegan, et al., Bio/Technology (1994) 12, pp883-888;
19. Matsuoka, et al., Proc. Natl. Acad. Sci. USA (1991) 88, pp834-838;
20. Ohara, et al., Proc. Natl. Acad. Sci. USA (1989) 86, pp5673-5677;
21. Twell, et al., Plant Molecular Biology (1987) 9, pp345-375;
22. Rezaian, et al., Journal of Virological Methods (1987) 17, pp277-285;
23. Sanger, et al., Proc. Natl. Acad. Sci. USA (1977) 74, No. 12, pp5463-5467;
24. Frohman, PCR Protocols: A Guide to Methods and Applications (1990), pp28-38;
25. Logemann, et al., Analytical Biochemistry (1987) 163, pp16-20;
26. Thygesen, et al., The Molecular and Cellular Biology of the Potato (1994), pp151-159;
27. Thygesen, et al., Plant Physiol. (1995) 109, pp525-531;
28. Joy, et al., Plant Physiol. (1995) 107, pp1083-1089;
29. Hunt, et al., Plant Molecular Biology (1993) 21, pp59-68;
30. Newman, et al., Plant Molecular Biology (1993) 21, pp1035-1051;

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pp358-362;

46. PCT International Publication No. WO 97/29193 (CSIRO),
August 14, 1997;
47. PCT International Publication No. WO 96/37617 (CSIRO),
November 28, 1996;
48. EMBL accession No D87669 Published on August 2, 1997;
49. EMBL accession No D87670 Published on August 2, 1997;
50. EMBL accession No Y12501 Published on February 25, 1998;
and
51. U.S. Serial No. 09/443,067 filed November 18, 1999
(Robinson), including the claim set as allowed (Exhibit B).

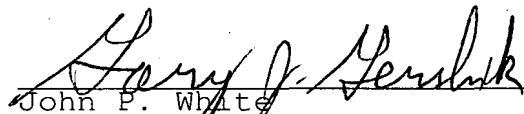
Applicants request that the Examiner review the references and make them of record in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the filing fee of \$870.00, is deemed necessary in connection with this Preliminary Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,


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